

## **REMARKS**

In the Action, Claims 1-19 are pending. Claims 1-19 are rejected. Claims 1, 2, 7 and 8 have been amended to correct the reference to the "primary support" to a ceiling or a wall in premises" where appropriate. Claim 11 has been cancelled. Claims 1-10 and 12-19 remain.

Applicant requests reconsideration of the application in view of the following remarks.

### **Claim Rejections Under 35 USC 112**

It is asserted in the Office Action that Claim 10 is rejected under 35 USC 112, second paragraph, the Examiner contending that there is insufficient antecedent basis for the limitation "the notch" recited in Claim 10, because "the notch" has not been discussed with the second assembly part, only with the first assembly part.

In response, Applicant notes that the limitation "the notch" is provided on the first assembly part as shown on Figure 13 and discussed at paragraph [0050] of the published application. In this connection, "the notch" of Claim 10 is the same as "the notch" of Claim 1. It is not recited as a notch of the second assembly part.

Accordingly, reconsideration and withdrawal of the rejection of Claim 10 under 35 USC 112, second paragraph, is respectively requested.

### **Claim Rejections Under 35 USC 102(b)**

It is asserted in the Office Action that Claim 1 is rejected under 35 USC 102(b) as being anticipated by United States Patent No. 3809338 to Gross, Jr. et al.

In response, Applicant has amended Claim 1 to incorporate the subject matter of Claim 11, namely, in which the first and second assembly parts present mutual guide elements (12, 25) for guiding movement of the second part relative to the first, downwards parallel to the longitudinal direction of the body, to a final abutment position in which the clamping of said

branches against the body is obtained. The Claims are further amended by changing "primary support" to ceiling or wall, clarifying an intended use of the invention.

Applicant submits that Claim 1 is now patentably distinguishable over the prior art of record.

Accordingly, reconsideration and withdrawal of the rejection to Claim 1 under 35 USC 102(b) as being anticipated by United States Patent No. 3809338 to Gross, Jr. et al., is respectfully requested.

**Claim Rejections Under 35 USC 102(b)**

It is asserted in the Office Action that Claims 2-9 are rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 3809338 to Gross, Jr. et al., and in view of United States Patent No. 5277391 to Haug et al.

In response, Applicant notes that Gross, Jr. et al. (Gross) deals with a plate holder for an aircraft that is conveniently located for operation by the pilot. Gross thus relates to a technical field totally different from the one of the claimed invention (equipment for shop-fittings).

In Gross, three elements are needed to maintain the plate holder on the shaft 2 (see co.2, I.36-41), namely the spring clip 4, the elastic 10 and the downwardly extending extension 16 (carried by the horizontal section 5 of the clip 4 - col.2, I.30-32). Therefore, Gross fails to disclose or suggest a first fastener arrangement for fastening an article to the body of a rod formed a two parts (first and second assembly parts ensuring locking at the selected position). Gross also fails to disclose or suggest that the second assembly part (elastic band 10) has mutual guide elements with the first assembly part (spring clip 4 according to the Examiner's opinion) to allow for the clamping of the branches of the spring clip 4 against the body of the rod.

With respect to Haug et al. (Haug), Haug deals with a shower holder for mounting on a wall rod. Here again, Haug relates to a technical field different from the one of the present invention.

It is submitted that a person skilled in the art of equipment for shop-fittings would not have considered a teaching in the field of shower equipment. And, starting from Gross and looking for an application of Gross's device into the shop-fittings world, a person skilled in the art would not have considered a teaching in a technical field unconnected to both aircraft equipment and shop equipment.

In the event it was intended to include Claim 11 in the rejection under 35 USC 103, it is noted that according to the Examiner, on page 5 of the Office Action, Haug shows a first assembly part 4 and a second assembly part 10. Then the Examiner considers that reference 6 (retaining head for the shower) form mutual guide elements of the first and second assembly parts 4, 10 for guiding movement of the second part relative to the first part. However, Haug fails to disclose mutual guide elements for guiding movement of the second part 10 relative to the first part 4 downwards parallel to the longitudinal direction of the rod 3 as set forth in Amended Claim 1.

Furthermore in Haug (see col. 3, I. 48-59), locking of the first part 4 along the rod 3 is performed by means of a strip 11 surrounding the rod 3 and of a clamp nut 14 which makes it possible to adjust the force that the strip 11 acts on the rod. Thus, two parts (strip 11 and nut 14) are needed to lock the first part along the rod. This is in contrast to the claimed invention wherein the locking of the first part is performed making use of only one other element (second assembly part).

Accordingly, reconsideration and withdrawal of the rejection of Claims 2-9 under 35 USC 103(a) as being unpatentable over United States Patent No. 3809338 to Gross, Jr. et al., and in view of United States Patent No. 5277391 to Haug et al., is respectively requested. Additionally, since claims 2-9 as well as claims 10 and 12-19 depend from Claim 1, such claims are patentably distinguishable over the prior art for the same reason as Claim 1.

Accordingly, Applicant submits that the claims pending examination, namely Claims 1-10 and 12-19 are now in condition for allowance, which early action is requested.

If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

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Dated:

11/3/08

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**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.

  
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